

Mr. Erath moved to adjourn until 10 o'clock A. M. tomorrow. Lost.

Mr. Burnett moved the adoption of the resolution upon which Mr. Guinn moved a call of the Senate which was sustained. The Senate being full, Mr. Guinn moved to strike out the 12th instant and insert Saturday the 16th instant at 11 o'clock. Mr. Crawford of Jasper moved to lay the amendment on the table upon which Mr. Guinn moved a call of the Senate which was sustained. The Senate being full, Mr. Guinn made a question of order whether Mr. Crawford's motion was in order which the President sustained. Mr. Hartley moved to amend by striking out Tuesday the 12th and inserting Friday the 15th instant at 11 o'clock A. M. Mr. Guinn moved to amend the amendment by substituting Saturday the 16th at 10 A. M. which was accepted. Mr. Burnett moved to lay the amendment on the table upon which the yeas and nays were as follows:

YEAS—Messrs. Burnett, Casey, Cook, Crawford of Fannin, Crawford of Jasper, Durant, Finlay, Graham, Houston, Mitchell, Moore, Parsons, Weatherford, and Wheeler—14.

NAYS—Messrs. Batte, Boyd, Branch, Darden, Erath, Guinn, Harcourt, Hartley, Jordan, Lea, Obenchain, Reed, Scarborough, Selman, Shelley, and Shepard—16.

The amendment was then adopted whereupon the resolution was adopted. On motion of Mr. Hartley the Senate adjourned until 10 o'clock A. M. tomorrow.

Tuesday, November 12, 1862 [1861]

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called, quorum present. The journal of yesterday was read and adopted.

The President announced the following committees: on Indian Affairs, Messrs. Erath, Chairman, Shelley, Reed, Cook, Guinn, Lea, Crawford of Fannin, and Harcourt; Joint Committee on the part of the Senate on the Court of Claims, Messrs. Guinn, Erath, and Mitchell.

Mr. Shelley presented the memorial of Robert Creuzbaur relative to his invention styled the Sea King. Read.

Mr. Harcourt, Chairman of the Committee on the Judiciary, made the following reports:

The Judiciary Committee have considered a bill supplemental to an Act authorizing the issuing of duplicate land warrants and direct me to report the same back to the Senate and recommend its passage.

The Judiciary Committee have considered a bill to amend the 1st section of an Act to amend the 4th section of the Act of May 12, 1846, to regulate the license and practice of attorneys and counsellors at law and to amend

the 2nd section of the Act of February 11, 1854, entitled an Act to amend the 9th and 10th sections of an Act to regulate the license and practice of attorneys and counselors at law and direct me to report the same back to the Senate without amendment and recommend its passage.

A message was received from the House informing the Senate that the House had passed a bill granting leave of absence from the State for three months to Edward H. Vontress, Judge of the Seventeenth Judicial District.

Mr. Casey introduced a bill for the relief of Honorable A. W. O. Hicks. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Shelley offered the following resolution: **"Resolved, the House concurring,** That a joint committee of one on the part of the Senate and one on the part of the House be appointed to act in conjunction with the person appointed by the Governor to consider and investigate the subject matter of the memorial of Robert Creuzbaur and report by bill or otherwise." Adopted.

Mr. Harcourt introduced a bill to regulate the inspection and sale of flour. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Durant offered the following resolution: **"WHEREAS** an Act to audit accounts of the respective states against the Confederacy approved March 30, 1861, a copy of the same hereunto attached, declaring that all claims and accounts of the respective states of the Confederacy against the Confederate government for the advances and expenditures made by said states respectively for the use and benefit of the Confederacy in preparation for and in conducting the war shall be audited and the amount ascertained: **Therefore be it resolved by the Senate,** That the Committee on Finance be and is hereby instructed to inquire into and report such plan as will best secure the interests of the State of Texas under said laws of the Confederacy." Adopted.

Mr. Shelley introduced a bill for the endowment of professorships in the colleges of Texas. Read 1st and 2nd times and referred to Committee on Education.

Mr. Shelley introduced a bill for the relief of A. H. Cook. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Guinn introduced a bill to prevent vice and immorality on Sunday. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Burnett introduced a bill protecting the property of persons who have been mustered into the service of the State of Texas or the Confederate States from forced

sale for twelve months after they are discharged from said service. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Scarborough introduced a bill in regard to paying county scrip for liquor license tax for Cameron County. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Durant offered the following resolution: WHEREAS the Confederate States of America did pass an Act for the sequestration of the estates, property, and effects of alien enemies, &c., said Act approved August 30, 1861, a copy hereunto attached, therefore be it **Resolved by the Senate assembled**, That it is the sense of this body that the State of Texas alone can have and exercise jurisdiction and control over all such estate within her bounds and limits and that the rights and powers assumed by the said Confederate States as set forth in said Act are dangerous to the rights of the States. **"Resolved**, That the Judiciary Committee be and is hereby instructed to inquire into and report at as early a day as practicable by bill or otherwise the best mode of securing the interest of the State in the premises." Referred to the Judiciary Committee.

Mr. Shepard asked to be excused from serving on the following committees: Treasurer's Books, General Land Office, Printing and Contingent Expenses. Granted.

On motion of Mr. Scarborough, Mr. Finlay was added to Judiciary Committee. The resolution relative to the office of 2nd Assistant Secretary of the Senate being the special order was taken up, read and adopted. Whereupon the Senate proceeded to the election.

Mr. Harcourt nominated Mr. J. W. Breeding. Mr. Erath nominated Mr. John Wooldridge. Mr. Parsons nominated Mr. R. S. Bacon. Messrs. Parsons and Guinn were appointed tellers. On counting the votes Mr. Breeding received 13, Mr. Wooldridge 7 and Mr. Bacon 10. There being no majority a second ballot was taken with the following result: Mr. Breeding received 14 votes, Mr. Wooldridge 6 votes and Mr. Bacon 11 votes. There being still no election a third ballot was had when Mr. Breeding received eleven votes, Mr. Wooldridge eight and Mr. Bacon nine. No one candidate having a majority the Senate proceeded to a fourth ballot which resulted as follows: Mr. Breeding 12 votes, Mr. Wooldridge 10 votes and Mr. Bacon 8 votes. There still being no election a fifth ballot was taken with the following result: Mr. Breeding 12 votes, Mr. Wooldridge 10 votes, and Mr. Bacon seven votes. No one yet getting a majority a sixth ballot was taken, Mr.

Bacon having withdrawn, with the following result: Mr. Breeding received 15 votes and Mr. Wooldridge 15 votes. The President thereupon gave the casting vote in favor of Mr. Breeding, whereupon he was declared duly elected 2nd Acting Secretary of the Senate. He then came forward and took the oath of office.

The classification of Senators being also a special order was taken up, and the Secretary having prepared seventeen ballots on which was written "long term" and sixteen on which was written "short term" all were placed in a hat and on calling the roll of Senators alphabetically the Sergeant-at-Arms drew a ballot with the following result: Messrs. Branch, Crawford of Fannin, Darden, Durant, Finlay, Guinn, Hartley, Houston, Jordan, Lea, Obenchain, Parsons, Scarborough, Selman, Shelley, Weatherford, and the Senator who may be elected from the 6th Senatorial District drew the long term. Messrs. Boyd, Burnett, Casey, Cooke, Crawford of Jasper, Dickson, Erath, Graham, Harcourt, Maxey, Mitchell, Moore, Reed, Shepard, and Wheeler drew the short term.

On motion of Mr. Houston the bill granting leave of absence to Edward H. Vontress was taken up. Read 1st time, rule suspended; read 2nd time and passed to a third reading; rule further suspended; read 3rd time and passed.

A message was received from the House informing the Senate of the concurrence by that body in the Senate's amendment to their resolution to go into the election of Confederate States Senators.

On motion of Mr. Durant the Senate adjourned until 10 o'clock A. M. tomorrow.

November 13, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain. The journal of yesterday was read and adopted.

Mr. Moore presented the petition of William V. Hughes. Referred to Committee on Claims and Accounts.

Mr. Jordan presented the petition of Lewis C. Ferguson. Read and referred to the Committee on the Judiciary.

Mr. Erath, Chairman of Committee on Public Lands, made the following report:

The Committee on Public Lands to whom was referred a bill granting preemption privileges to actual settlers have had the same under consideration and instructed me to report the bill back to the Senate as they think the present law is sufficient and that this bill do not pass.

Mr. Harcourt, Chairman of the Committee on the Judiciary, made the following report: